

- (7) Provide written verification of the continuing need for access authorizations by individuals under their cognizance when periodically requested to do so by the Director of Safeguards and Security.
 - (8) Provide written notification to the Director of Safeguards and Security of the following conditions affecting access authorizations for individuals under their cognizance:
 - (a) Within 2 working days for termination of an individual's access authorization.
 - (b) Within 8 working hours upon becoming aware that an individual has been hospitalized or is otherwise being treated for a mental illness or such other condition as may cause a significant defect in the individual's judgment or reliability.
 - (c) Within 2 working days of becoming aware of derogatory information of personnel security interest concerning the individual. Such information must be reliable and relevant in terms of the clearance criteria exemplified in section 710.8 of 10 CFR 710 (a copy of which may be obtained from the Director of Safeguards and Security).
 - (9) Ensure that individuals under their cognizance granted, or in process for, access authorization are aware of the reporting requirements in subparagraphs 5p and 5q below.
 - (10) Designate a staff representative(s) responsible for administering the coordinating functions required by, and the review of procurement falling within the scope of, this Order and DOE 5631.2C, Chapters I-IX. Unless a designation is made, procurement originators shall be responsible for coordinating the requirements of this Order and DOE 5631.2C, Chapters I-IX, with the Director of Safeguards and Security.
- b. Director of Nonproliferation and National Security, through the Director of Security Affairs and the Director of Safeguards and Security acts as the Senior Agency Official responsible for the direction and administration of the DOE personnel security program. (Delegation Order 0204-154, of 1-23-96.)
- (1) Director of Security Affairs
 - (a) Acts for the Secretary to authorize access to DOE classified matter and/or SNM prior to, or in lieu of, the completion of the required investigation in

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accordance with section 145b of the Atomic Energy Act of 1954, as amended, when such action is determined to be clearly consistent with the national interest. (Delegation Order 0204-154, of 1-23-96.)

- (b) Acts as the Secretary's special designee to determine whether statements or evidence may be received by a Hearing Officer in accordance with subsections 710.26(l)(2) and 710.26(o)(1) and (2) of 10 CFR 710.
- (c) Renders final determinations to grant or deny, or reinstate or revoke, DOE access authorizations under subsections 710.28(e) and (f) and performs other specific responsibilities under 10 CFR 710.
- (d) Promulgates and establishes safeguards and security requirements, procedures, standards, and guidance for the PSAP and Personnel Security Program.
- (e) Authorizes Field Elements to implement, operate, and maintain Personnel Security Program activities as prescribed in this Order and DOE 5631.2C, Chapters I-IX.
- (f) Implements Headquarters Personnel Security Program activities.
- (g) Provides to the Chief Financial Officer annual estimates of the funds required to reimburse other agencies for investigations requested by DOE for access authorization and employment suitability determinations, and for the conduct of program-related activities.
- (h) Authorizes Field Elements annually to submit requests for investigations, on a scheduled basis, directly to the Office of Personnel Management and the Federal Bureau of Investigation within a specifically allocated total dollar amount and/or total number of investigations by type.
- (i) Approves any adjustments to Field Element annual investigations allocations.
- (j) Coordinates with the Office of Personnel Management and Federal Bureau of Investigation on matters related to reimbursable costs for investigations and approves such reimbursements from DOE funds.

- j. Managers of the Albuquerque, Chicago, Idaho, Nevada, Oakland, Oak Ridge, Richland, and Savannah River Operations Offices, the Rocky Flats Field Office, and the Pittsburgh and Schenectady Naval Reactors Offices for the Personnel Security Program.
- (1) Ensure implementation, administration, and operation of program activities for all covered contractors, subcontractors, Access Permittees, and staff under their cognizance consistent with this Order, Chapters I-IX of DOE 5631.2C, and 10 CFR 710.
 - (2) Ensure that training complies with the requirements of Chapters I-IX of DOE 5631.2C.
 - (3) Shall, prior to submitting a request for investigation to an investigative agency for an individual under their cognizance:
 - (a) Determine the position access authorization requirements and type of investigation to be conducted;
 - (b) Ensure that justification and security forms are adequate and complete;
 - (c) Verify that requests from Management and Operating Contractors are accompanied by the preemployment checks required by 48 CFR 970.2201(b)(1)(ii) and verification of evidence of United States citizenship (see Attachment 1, subparagraph 7b);
 - (d) Establish a Personnel Security File for the individual and enter required data into the DOE data management system;
 - (e) Determine whether current investigative reports exist that can be obtained by DOE for determining the individual's access authorization eligibility; and
 - (f) Determine whether the individual is being concurrently processed for an access authorization or security clearance by another agency.
 - (4) Initiate directly with the Office of Personnel Management and the Federal Bureau of Investigation requests for: initial investigations; reinvestigations; supplemental, additional, or upgrade investigations; and cancellations of investigations in progress.

- (5) Implement procedures requiring DOE supervisors and DOE contractors under their cognizance to provide verbal notification within 2 working days and written confirmation within the next 10 working days to a designated DOE personnel security official of the following conditions affecting an applicant's or employee's access authorization status (i.e., notification should not be provided if the individual does not hold, or is not in process for, a DOE access authorization):
 - (a) When aware of an individual's hospitalization or other treatment for a mental illness or other condition that may cause a significant defect in the individual's judgment or reliability.
 - (b) When aware of information of personnel security interest. Such information must be characterized as reliable and relevant and create a question as to an individual's access authorization eligibility as exemplified in 10 CFR 710.8 (see the reverse of form DOE F 5631.18, "DOE Security Acknowledgement").
 - (c) When an individual's access authorization should be terminated.
- (6) Request the Director of Safeguards and Security to approve initiation of an investigation on a foreign national under their cognizance proposed for employment in a position that will require the incumbent to possess a DOE access authorization.
- (7) Refer to the Director of Safeguards and Security DOE access authorization requests for: other Federal agency employees, consultants, and contractors; members of Congress and congressional staffers; governors; and lieutenant governors.
- (8) Provide to the Director of Safeguards and Security for processing "Data Report on Spouse" forms completed by personnel under their cognizance who marry after having been granted, or while being processed for, DOE access authorizations.
- (9) For access to Secret and/or Confidential National Security Information and/or Formerly Restricted Data involved in DOE contracts and subcontracts, accept written assurances that the facility personnel engaged in DOE work possess a final security clearance from another Federal agency at the appropriate level for access to National Security Information.

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- (2) DOE Access Permittees for the Personnel Security Program shall implement and administer effective and efficient program procedures to ensure compliance with the requirements of 10 CFR 725 and 1016 and this Order.

p. Individuals Assigned to a PSAP Designated Position

- (1) Execute PSAP releases, acknowledgments, and waivers to facilitate the collection and dissemination of information and the performance of drug testing and medical examinations.
- (2) Notify the Site Occupational Medical Director immediately of a physical or mental condition requiring medication or treatment.
- (3) Report in person, prior to returning to work, to the Site Occupational Medical Director following periods of sick leave of 5 or more consecutive days.
- (4) Comply with the requirements listed below in subparagraph 5q.

q. Individuals Applying For or Granted DOE Access Authorizationsfor the Personnel Security Program.

- (1) Provide full, frank, and truthful answers to relevant and material questions, and when requested, furnish or authorize others to furnish information that DOE deems pertinent to the access authorization eligibility process. This obligation applies when completing security forms, during the course of an initial investigation and reinvestigation, and at any stage of access authorization processing including but not limited to letters of interrogatory, personnel security interviews, DOE-sponsored mental evaluations, and other authorized DOE investigative activities. An individual may elect not to cooperate; however, such refusal may prevent DOE from granting or continuing access authorization. In this event, any access authorization in effect may be terminated or, for applicants, further processing may be suspended (refer to 10 CFR 710.6[a]).
- (2) Directly notify the cognizant DOE personnel security office of the following: (**NOTE:** Verbal notification is required within 2 working days followed by written notification within the next 3 working days.)

- (a) All arrests, criminal charges (including charges that are dismissed), or detentions by Federal, State, or other law enforcement authorities for violations of law, other than traffic violations for which only a fine of \$250 or less was imposed, within or outside of the United States.
 - (b) Personal or business-related filing for bankruptcy.
 - (c) Garnishment of wages.
 - (d) Legal action effected for name change.
 - (e) Change in citizenship.
 - (f) Employment by, representation of, or other business- related association with a foreign or foreign-owned interest or foreign national.
- (3) Notify the cognizant DOE personnel security office or the facility security officer, as appropriate, immediately after any approach or contact by any individual seeking unauthorized access to classified matter or SNM. If such an approach or contact is made while on foreign travel, notify a Department of State official at the local United States Embassy or Consulate with a request that the Department of State report the incident to the Director of Safeguards and Security at DOE Headquarters. These requirements are in addition to any similar reporting requirements implemented under DOE 5670.3, COUNTERINTELLIGENCE PROGRAM.
- (4) Provide to the cognizant DOE personnel security office a completed form DOE F 5631.34, "Data Report on Spouse," in accordance with DOE 5631.2C, Chapters I-IX.
6. CONTACT. Contact the Personnel Security Policy Program Manager at (301) 903-6637 for assistance.

BY ORDER OF THE SECRETARY OF ENERGY



ARCHER L. DURHAM
Assistant Secretary for
Human Resources and Administration

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Attachment 4
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22. Department of Energy Delegation Order No. 0204-154, of 1-23-96, which authorizes the Director of Security Affairs to make determinations of eligibility (in accordance with section 4.2[a] of Executive Order 12958), prescribe such regulations or Orders as deemed necessary to protect Restricted Data, and make determinations pursuant to section 145b of the Atomic Energy Act of 1954, as amended.
23. DOE 1700.1, FREEDOM OF INFORMATION PROGRAM, of 11-19-79, which establishes procedures for processing requests made to DOE under the Freedom of Information Act.
24. DOE 1800.1A, PRIVACY ACT, of 8-31-84, which establishes DOE implementation procedures for the Privacy Act of 1974.
25. DOE O 470.1, SAFEGUARDS AND SECURITY PROGRAM, of 9-28-95, which establishes the requirements and responsibilities for the DOE Safeguards and Security Program.
26. DOE M 5632.1C-1, MANUAL FOR PROTECTION AND CONTROL OF SAFEGUARDS AND SECURITY INTERESTS, of 7-15-94, which establishes the requirements for the protection and control of DOE safeguards and security interests, including DOE access authorization requirements for access to Categories I, II, III, and IV of SNM.
27. DOE Integrated Security System "User System Reference Manual," of November 1994, which establishes for system users the system requirements, operations, and data input procedures for the Central Personnel Clearance Index and other system components.
28. Office of Safeguards and Security "Adjudicative Guidelines for Determining Eligibility for Access to Classified Matter and/or Special Nuclear Material," of April 1994, which establishes guidelines for DOE personnel security officials in evaluating information of security concern in personnel security cases.
29. Office of Safeguards and Security "Implementation Guidance for Title 10, Code of Federal Regulations, Part 710, Subpart A (10 CFR 710)," of September 1994, which provides supplemental instructions and guidance for DOE personnel security officials in the processing of personnel security cases under DOE Administrative Review procedures.